



Confederated Tribes of Warm Springs, Oregon  
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## AGENCIES RESOURCE EXPENDITURE on PROJECTS TO SUPPORT SDWA 1414 & 1431 EPA ORDER TO THE CONFEDERATE TRIBES of WARM SPRINGS

### Agency Management:

As you are aware the Confederated Tribes of the Warm Springs Indian Reservation of Oregon (TRIBES) are under two Safe Drinking Water Act Orders from the U.S. EPA, Region 10 (EPA) to address potable water distribution and treatment deficiencies related to the Dry Creek Surface Water Plant.

The TRIBES are holding four pots of grant dollars which they would like to use to help address the orders' requirements including deficiency items, these are:

1. HUD grant monies in the amount of	\$427K
2. BIA grant monies in the amount of	\$343K
3. IHS/EPA grant monies in the amount of	\$141K
4. CTWS internal monies in the amount of	\$72K
Total	\$983K

**Note:** There is an additional \$20K in the HUD pot allocated to administration and indirect cost not included in this summary.

The \$141K L71 funds provided by IHS and EPA have been confirmed to still be available, and are fit for this purpose, confirmation attached in Appendix A.

The TRIBES are proposing to spend the monies in the following manner:

1. IHS/EPA, BIA, and HUD funds allocated for water treatment facilities studies; Engineering Report, including filter media evaluation in the sum of	\$191K
2. BIA, HUD, and TRIBES funds allocated to historically identified projects in the sum of	\$792K
Total	\$983K

### Section I: Proposed Spending Plan

It is intended that the monies shall be spent utilizing a Design/Build approach, with work packaged into four discipline specific packs (note: we originally suggested 6 packages but in reviewing the monies available we believe we will get a better response with only 4 packages). The contracting documentation will follow the Engineering Joint Contracting Documentation Committee's (EJCDC) formulation. The package breakdown is demonstrated in Table 1.



		Package 1			Package 2			Package 3			Package 4			Total
		M & Process			E & ICA			Civil			Building			
Engineering Study	HIS \$:00	17			17			23.5			23.5			\$ 141
	Evaluation	20	30		48									\$ 98
	Sub Total 1	\$ 97.00			\$ 95.00			\$ 23.50			\$ 23.50			\$ 239
Design Build Projects	Project #	BIA \$:00	HUD \$:00	CTWS \$:00	BIA \$:00	HUD \$:00	CTWS \$:00	BIA \$:00	HUD \$:00	CTWS \$:00	BIA \$:00	HUD \$:00	CTWS \$:00	
	Project Name													
	1 Backwash/Sludge Pond Lining							60						\$ 60
	2 PAC Plant Enclosure		30											\$ 30
	3 Filter Media Replacement	38	29											\$ 67
	4 Finished Water Pumps	60	60		25	30								\$ 175
	5 HVAC										42		23	\$ 65
	6 Intake Screen		48											\$ 48
	7 SCADA				100	49								\$ 149
	8 Raw Water Pumps		60		10	30								\$ 100
	9 WTP WW System							50						\$ 50
	Sub Total 2	\$ 98	\$ 227	\$ -	\$ 135	\$ 60	\$ 49	\$ -	\$ 110	\$ -	\$ 42	\$ -	\$ 23	\$ 744
	Sub Total 3	\$ 325			\$ 244			\$ 110			\$ 65			\$ 744
	TOTAL	\$ 422			\$ 339			\$ 134			\$ 89			\$ 983

Table 1: Financial Breakdown of Funds

As part of the EPA Emergency Order, the TRIBES are required to produce an Engineering Study that yields prioritized lists of deficiencies in both the distribution and water treatment and supply systems.

The Engineering Report for the distribution system will comprise of the collection and collation of several completed and ongoing work activities, including:

1. A summary report of the emergency repair to the Shitike Creek crossing
2. A summary report and the O&M manual produced for the PRV/Flow Control Emergency Repair work
3. The executive summary from the IHS/CW report on the permanent Shitike Creek crossing proposal
4. The prioritized list of main repairs identified as output from the IHS/CW leak detection study, and
5. A control document listing staff collected and collated information, diagrams, drawings, and specifications of the distribution system

The Engineering Report for the water treatment facility will be a collection and collation of the engineering evaluations undertaken by the discipline specific project Design/Build teams. The combination of the individual reports shall provide a complete assessment of the WTPs facilities. The specific disciplines for the individual reports shall be:

1. Mechanical & Process
2. Electrical, & ICA
3. Civil infrastructure
4. Building facilities

Each Discipline shall report a prioritized list of deficiencies, prioritized by Highest Risk of Failure as measured by Capacity, Condition, Compliance, and Efficiency, and poorest remaining useful life. These lists shall be used to formulate 1, 2, 5, 10-year Operational Expenditure (OpEx), and Capital Expenditure (CapEx) works plans.

The currently identified projects will be undertaken by the discipline specific teams in parallel to the Engineering Study. Where this is considered inappropriate and not a good use of the monies the projects will be delayed awaiting the recommendations of the Engineering Report, and the appropriate



highest priority item will then be addressed by the discipline specific project team constrained to the previous allocated funds.

It must be noted that BIA and HUD monies have been allotted to specific projects as shown in Table 1. If there becomes a conflicting priority from the Engineering Study/Report and the currently priority list, it is intended to reallocate the assigned monies to the Highest Risk, Poorest Quality assets.

## Section II: Request for Federal Agency Coordination and Agreement

The TRIBES would appreciate your confirmation that this methodology of expending the agencies funds is acceptable and in line with accepted methodologies. That is the agencies see no conflict of interest in this proposal and they will work with the TRIBES to enable full expenditure of the funds in the most appropriate way.

The TRIBES request that any policies, plans, processes, procedures, practices, or performance measures (6Ps) that the agencies will require for this to happen, that they provide the same for review, consideration, and implementation into the project as soon as practically possible.

Please complete Table 2:

FUND EXPENDITURE METHODOLOGY APPROVAL				
Column #:	Column 1	Column 2	Column 3	Column 4
AGENCY	Agency will accept EJCDC forms of Contract (If not please provide alternate)	Agency has NO CONFLICTS with Engineering Study/Report & Design/Build Methodology	Will Enable Methodology to Move monies between Existing and Newly Identified Higher Priority Projects	Agency has appropriate "6Ps" that enable Methodology to move forward. (List references as appropriate)
HUD	JHC	JHC	JHC	JHC
BIA	BKM	BKM	BKM	BKM
IHS	DSH	DSH	DSH	DSH
EPA	ADB	ADB	ADB	ADB

Table 2: Agency Agreement Methodology Signoff

### Table Notes:

1. All Contracts to be awarded in accordance with tribal Acquisition regulations.
2. BIA funding was previously provided via 638 Contract.
3. Column 3. Current BIA funding was provided to accomplish specific work items which have NOT been completed. Re-programing of BIA funding will require BIA approval prior to shifting funds. An email showing cost and schedule details will suffice.
4. Column 4. BIA reference 638 Program Regulations.
5. BKM ... Bryan K. Mercier, BIA NW Regional Director.
6. Contract Documents will need to include contract provisions required by ICBG regulations @ 1003,501 (a)(13), specifically those used in part 200, Appendix II [except for (D) & (E)]
7. JHC ... Thomas H. Carney, US DoHUD Administrator NwONAP Office of Public & Indian Housing
8. IHS will be given an opportunity to review packages before they are sent out to tender
9. DSH ... Derek S. Hancey, for Marcus Martinez, Director Portland Area OEHE, IHS.



Agency representative to initial each box above to indicate approval and understanding, and under separate cover return this letter along with any appropriate agency support or requested data.

### Section III: Proposed Schedule and Extension Request

Our schedule for this work is very aggressive given this is a federally funded exercise. Our outline schedule is illustrated in Figure 1. Based on this schedule, the TRIBES anticipate submitting an engineering report for the both the treatment plant and distribution system no later than June 30<sup>th</sup>, 2020. Accordingly, the TRIBES request EPA to extend the due date of the engineering report required under the SDWA Emergency Order from November 15, 2019 until June 30<sup>th</sup>, 2020 and to document such extension in writing signed by duly authorized officials.

We would appreciate your prompt response to this letter and look for your agreement prior to our next meeting Wednesday November 13<sup>th</sup>, 2019.

2019			2020						
Oct	Nov	Dec	Jan	Feb	March	April	May	June	July
START	Draft RFP								
		Review							
			Tender Response						
				Selection					
					Negot. NTP				
						Project Execution			
					Eng. Report: D/B:	Evaluation	Consolidate Implementation	Report	

Figure 1: Preliminary Schedule (10/30/2019)

We appreciate your help and support.

Kind regards

Travis Wells  
Branch of Public Works General Manager

Cc:

Michele Stacona, CEO  
Alfred Estimo, Finance Director  
Libby Chase, Purchasing Manager  
Bruce Irwin, Development Director  
Chico Holiday, Water Wastewater Supervisor  
Keith Whisenhunt, P.E., Principal PDG  
Barry Buchanan, P.E., Principal B&A

